



MILPITAS PLANNING COMMISSION STAFF REPORT

February 26, 2014

APPLICATION: **SAMSUNG FENCING –SD13-0022** – A request by Samsung Semiconductor Incorporated to consider a Site Development Permit to install an 8-foot tall steel tubular fence around an existing loading dock located at the rear of the building.

RECOMMENDATION: **Staff recommends that the Planning Commission: Adopt Resolution No. 14-008 approving Site Development Permit SD13-0022 to install an 8-foot tall steel tubular fence around an existing loading dock located at the rear of the building, subject to the conditions of approval**

LOCATION:
Address/APN: 601 McCarthy Boulevard (APN: 86-02-039)
Area of City: Samsung Campus

PEOPLE:
Project Applicant: Kay Satit for Samsung Semiconductor Incorporated
Consultant(s): Valerio Dewalt Train Associates Inc., Turner Construction Company, and Spring Electric
Property/Business Owner: Jan Wiles for Silicon Valley CA I LLC
Project Planner: Marge Sung, Assistant Planner

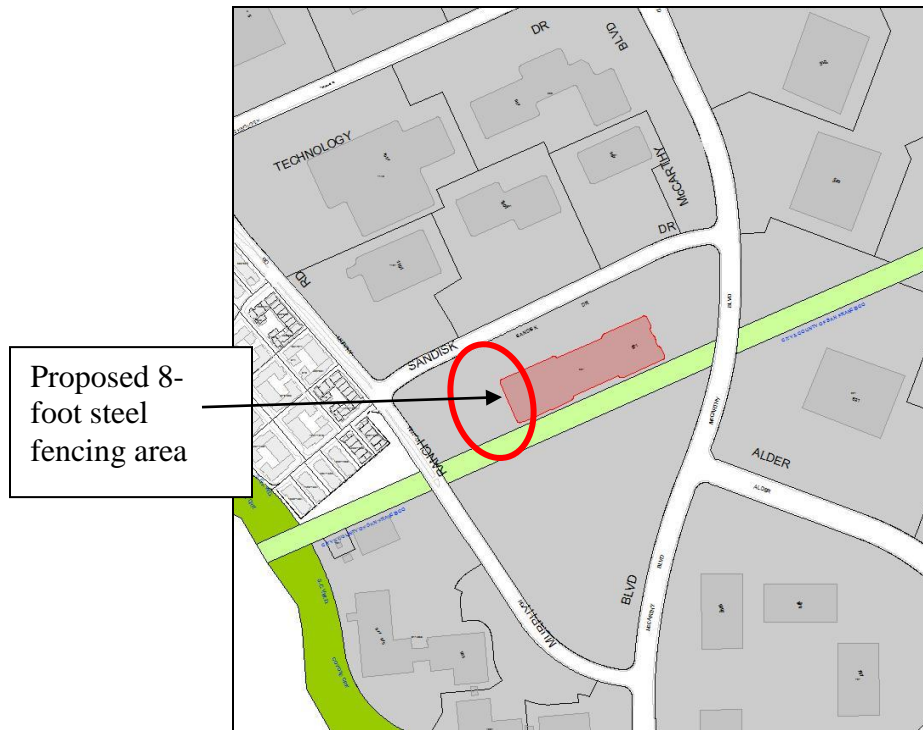
LAND USE:
General Plan Designation: Industrial Park (INP)
Zoning District: Industrial Park District (MP)
Overlay District: Site and Architectural and Recreation and Entertainment Overlay (-S-RE)

ENVIRONMENTAL: Categorically Exempt from further environmental review pursuant to Section 15301 (Existing Facilities) of the California Environmental Quality Act (CEQA).

EXECUTIVE SUMMARY

Samsung Semiconductor Incorporated is requesting to install an 8- foot tall black tubular steel fence around an existing loading dock located at the rear of the building at 601 McCarthy Boulevard.

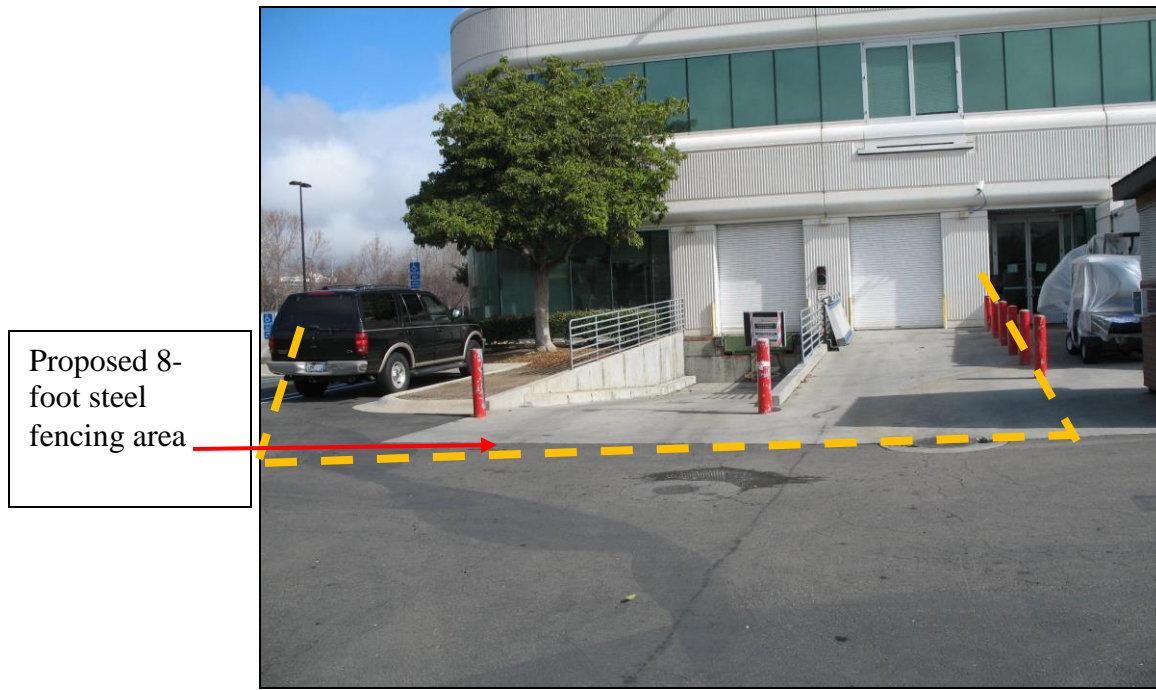
Map 1
Project Location



Map 2
Project Site



Proposed Fencing Area



BACKGROUND

History

The project site was developed with “S” Zone Approval by Planning Commission on July 9, 1997 to allow construction of two research and development buildings on an industrial park campus. A master sign program (UP2007-5 and SA2007-5) was approved by Planning Commission on May 23, 2007 to allow installation of a new monument sign at the corner of McCarthy Boulevard and Sumac Drive for the corporate campus.

The project site has been developed with sufficient parking accessibility. There are no interior or exterior building alterations proposed within this application.

The Application

On December 13, 2013, Kay Satit representing Samsung Semiconductor Incorporated submitted an application pursuant to Section 57 of the Milpitas Zoning Ordinance for a Site Development Permit, SD13-0022. The following is a summary of the applicant’s request:

- *Site Development Permit:* To install an 8-foot tall black tubular steel fence around an existing loading dock located at the rear of the building. Per Section 54.10 of the Milpitas Zoning Ordinance, the proposed 8 foot fence at the rear requires Planning Commission’s approval through a Site Development Permit.

PROJECT DESCRIPTION

Overview

Samsung Semiconductor Incorporated is requesting to install an 8- foot tall steel tubular fence around an existing loading dock located at the rear of the building at 601 McCarthy Boulevard.

Location and Context

The project is located on the southwest corner of the Murphy Ranch/-Sandisk Drive intersection. The site is zoned and designated as Industrial Park (MP) and is surrounded by industrial properties and uses to the north and the east. The property to the west is residential and zoned R4, Multiple Family Very High Density District. The linear parcel to the south is Hetch-Hetchy right-of-way, zoned Agricultural District.

There are three public streets serving the project site. The proposed 8-foot steel fencing area is located on the southwest side of the building, near an existing loading dock area. The purpose of the fence is to provide security for the shipping and receiving area.

PROJECT ANALYSIS

General Plan and Zoning Conformance

The General Plan designation of the project site is Industrial Park (INP). The Zoning designation is Industrial Park with Site and Architectural and Recreation and Entertainment Overlay (MP-S-RE). The use of the project site is in conformance with City’s General Plan and Zoning

Ordinance in that the existing industrial building and use is permitted use, the proposed fencing of eight (8) feet is permitted with a Site Development Permit.

Site & Architectural Design

The location of the proposed steel fence will be painted black and located on the interior of the project site and will not be visible from the public street. The fence design is appropriate and complements the building architecture.

Parking

The proposed fencing area will eliminate one regular parking space. Per City's Zoning Ordinance for Off-Street Parking Regulations, the parking ratio for research and development uses is one space for every 300 square feet. Based on the square footage of the building, 187,134 square feet, the required parking is 624 spaces and 627 spaces are provided. The project complies with the City's parking standards.

Access & Circulation

The proposed fencing area will not obstruct or impede access to fire suppression facilities, garbage collection, or any utility services.

FINDINGS FOR APPROVAL

A finding is a statement of fact relating to the information that the Planning Commission has considered in making a decision. Findings shall identify the rationale behind the decision to take a certain action.

Site Development Permit (Section XI-10-57-03-1(F))

- 1. The layout of the site and design of the proposed buildings, structures and landscaping are compatible and aesthetically harmonious with adjacent and surrounding development.*

The project is consistent with this finding because the proposed fencing is located along the interior of the site and not visible from the public street. The project will not detract from the building architecture or streetscape. The design of the fence complements the architecture of the building. The proposed area is the expansion of the existing loading dock in the rear of the building. The area will not be seen in the front of the building. The proposed steel material is compatible with the adjacent building.

- 2. The project is consistent with the Milpitas General Plan.*

The General Plan designation of the project site is Industrial Park (INP). The use of the project site is in conformance with City's General Plan in that the existing industrial building and use is permitted use, the proposed fencing of eight (8) feet is permitted with a Site Development Permit under the Zoning Code.

Additionally, the project will “encourage economic pursuits which will strengthen and promote development through stability and balance” in that it will allow the project to provide security for the shipping and receiving area and meet the company’s industrial business demand.

3. *The project is consistent with the Milpitas Zoning Ordinance.*

The project is consistent with this finding because the 8-foot tall fence is allowed in the Industrial Park zone with Site Development Permit. The site complies with development standards in terms of setback, height, floor area ratio, and parking regulations.

ENVIRONMENTAL REVIEW

The Planning Division conducted an environmental assessment of the project in accordance with the California Environmental Quality Act (CEQA). The project is categorically exempt from further CEQA review under Section 15301 of the CEQA Guidelines, Existing Facilities. The project proposed the installation of an 8-foot tall steel tubular fence to an existing industrial development.

PUBLIC COMMENT/OUTREACH

Staff provided public notice the application in accordance with City and State public noticing requirements. At the time of writing this report, there have been no inquiries from the public. A notice was published in the Milpitas Post on 02/14/14. In addition, 44 notices were sent to owners and occupants within 300 feet of the project site. A public notice was also provided on the project site, on the City’s Website, www.ci.milpitas.ca.gov, and posted at City Hall.

CONCLUSION

The proposed 8-foot tall steel tubular fence around the existing loading dock located at the rear of the building is appropriate for the project site, zoned Industrial Park. The location of the fencing area is not visible from public view. Even though one regular parking space will be occupied by the new loading dock, the parking is sufficient for the existing industrial use.

RECOMMENDATION

STAFF RECOMMENDS THAT the Planning Commission:

1. Open and Close Public Hearing; and
2. Adopt Resolution No. 14-008 approving Site Development Permit SD13-0022 to install an 8-foot tall steel tubular fence around an existing loading dock located at the rear of the building located at 601 McCarthy Blvd., Milpitas, CA, subject to the conditions of approval.

ATTACHMENTS

A: Resolution No. 14-008
B: Site Plan, Elevations
C: Fence material brochure